

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ROBERT LEE EMERY, JR.,

Plaintiff,

v.

JEFF PREMO, et al.,

Defendant.

Case No. 6:14-cv-00285-SI

ORDER

Michael H. Simon, District Judge.

Plaintiff filed his Fourth Motion to Compel Discovery on August 6, 2015. Dkt. 104. The Court issued an Order denying Plaintiff's Motion as moot that same day. Dkt. 105. In denying Plaintiff's Motion, the Court interpreted the Fourth Motion to Compel as seeking discovery that the Court previously ordered Defendants to deliver to Plaintiff. *See* Dkt. 101. On August 24, 2015, Plaintiff filed Objections to the Court's August 6, 2015 Order. Dkt. 109. The Court construes the Plaintiff's Objections as a motion for reconsideration.

Reconsideration is appropriate "if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Plaintiff asserts that the discovery he seeks is

different from the discovery that the Court previously ordered the Defendants to deliver. The Court finds that its August 6, 2015 Order erred in finding that it had already ordered Defendants to deliver the requested discovery.

Plaintiff's motion for reconsideration (Dkt. 109) is GRANTED. The Clerk of the Court is directed to strike the Court's August 6, 2015 Order (Dkt. 105) denying Plaintiff's Fourth Motion to Compel. Defendants have until September 28, 2015, to file a response to Plaintiff's Fourth Motion to Compel.

IT IS SO ORDERED.

DATED this 8th day of September, 2015.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge